

Message Text

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PAGE 01 STATE 029946
ORIGIN INT-05

INFO OCT-01 ISO-00 EA-09 IO-13 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05
PA-02 PRS-01 SP-02 SS-15 OES-06 EB-08 COME-00 TRSE-00
OMB-01 SAL-01 DLOS-06 /091 R

DRAFTED BY INT/DOTA:JBERG:KKC

APPROVED BY INT/DOTA:ERICE

OMSN:PWMANHARD

OES:DALTON

DOD/ISA:JELSTER

DOD/JCS RKUCI

EA/ANP:RWILLIAMS

-----100049Z 117282 /75-61

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FM SECSTATE WASHDC

TO HICOMTERPACIS PRIORITY

INFO SECDEF

JCS

UNCLAS STATE 029946

FOR ACTING HICOM, AG, AND STATUS LNO

E.O. 11652: NA

TAGS: PLOS, TQ

SUBJECT: MARINE SPACE JURISDICTION BILL

DOTA NO. 093-TT

1. CONCERNING SUBJECT BILL, USG HAS CONCLUDED THAT IT
REPRESENTS CONSTRUCTIVE STEP TOWARD DEVELOPMENT OF LEGIS-
LATION WHICH COULD BE ACCEPTABLE BOTH TO USG AND TO
COM.

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PAGE 02 STATE 029946

2. THERE ARE CERTAIN PROBLEMS WITH EXISTING LANGUAGE OF
BILL, SOME OF WHICH APPEAR AT NUMEROUS POINTS IN DRAFT
LEGISLATION, AND WHICH WOULD HAVE TO BE RESOLVED BEFORE
BILL COULD BECOME ACCEPTABLE TO USG. THESE INCLUDE:

- A. SEVERAL PROVISIONS, E.G., SECTION 57, PROVIDE FOR

THE MICRONESIAN MARINE AUTHORITY TO CONDUCT NEGOTIATIONS DIRECTLY WITH FOREIGN COUNTRIES, OR FOR COM APPROVAL OF INTERNATIONAL AGREEMENTS. UNDER EXISTING TRUSTEESHIP, AUTHORITY TO CONDUCT FOREIGN AFFAIRS IS RESERVED TO USG, AND IT IS NOT POSSIBLE FOR US TO ACCEPT THE PROPOSITION THAT THIS RIGHT CAN BE CONFERRED ON MARINE AUTHORITY. AT SAME TIME, USG HAS NO INTENTION OF EXERCISING SUCH POWERS

IN CONTEXT OF FISHERIES JURISDICTION WITHOUT FULLEST CONSULTATION WITH AUTHORITY OR OTHER MICRONESIAN ENTITIES, INCLUDING DEVELOPMENT OF A COMMON NEGOTIATING POSITION AND PARTICIPATION BY MICRONESIANS IN APPROPRIATE FISHERY NEGOTIATIONS. NOR WOULD USG BE DISPOSED TO SIGN OR RATIFY ANY INTERNATIONAL FISHERY AGREEMENT PRIMARILY AFFECTING MICRONESIAN ZONE WITHOUT BEING ASSURED THAT AGREEMENT WAS GENERALLY ACCEPTABLE TO MICRONESIA.

- B. WHILE WE WELCOME THE BILL'S REFERENCE TO INTERNATIONAL FISHERY AGREEMENTS AS MEANS OF REGULATING HIGHLY MIGRATORY SPECIES, WE BELIEVE THAT CERTAIN PROVISIONS WOULD BE CONSTRUED AS ASSERTING JURISDICTION OVER SUCH SPECIES, E.G., SECTION 54(2), SECOND SENTENCE.

- C. BECAUSE THE TERM QUOTE ECONOMIC ZONE UNQUOTE HAS TENDED TO ACQUIRE CONNOTATIONS WHICH DO NOT APPEAR TO BE INTENDED IN THIS BILL, THE TERM QUOTE ECONOMIC ZONE UNQUOTE SHOULD BE REPLACED BY A TERM SUCH AS QUOTE EXTENDED FISHERY ZONE UNQUOTE OR QUOTE FISHERY CONSERVATION ZONE UNQUOTE. TERM QUOTE MARINE SPACE UNQUOTE SHOULD ALSO UNCLASSIFIED

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PAGE 03 STATE 029946

BE REPLACED BY PHRASE SUCH AS QUOTE RESOURCES LANDWARD OF THE OUTER BOUNDARY OF THE EXTENDED FISHERY ZONE OF MICRONESIA PURSUANT TO UNQUOTE ETC., SECTION 101(2)(A). TITLE OF BILL COULD BE SIMPLY QUOTE TERRITORIAL SEA AND FISHERY ZONES BILL UNQUOTE.

- D. BECAUSE OF APPLICABLE PROVISIONS OF US LAW, WE WANT NO REFERENCE IN SECTION 207 TO MILITARY COMPONENTS OR PERSONNEL OF DOD.

- E. THE PROVISION FOR JURISDICTION OVER INSTALLATIONS AND ARTIFICIAL ISLANDS, SECTION 56(2), IS UNACCEPTABLE.

3. SPECIFIC DETAILS AS TO THESE AND OTHER PROVISIONS WHICH IN USG VIEW REQUIRE MODIFICATION BEING HAND-CARRIED BY STATUS LNO WHO RETURNS 11 FEBRUARY.

4. YOU SHOULD CONVEY FOREGOING TO COM. FOLLOWING STATUS LNO'S RETURN AND DISCUSSION OF PROBLEM PROVISIONS WITH

COM LEADERSHIP AND COMMITTEE CHAIRMEN. YOU SHOULD CONTINUE TO MONITOR PROGRES OF BILL CLOSELY, REPORTING TELEGRAPHICALLY ANY AMENDMENTS AS THEY ARE ACCEPTED BY COMMITTEES OR ON FLOOR. WE WILL WANT TO PROVIDE COM WITH OUR VIEWS ON ISSUES AS THEY ARISE IF POSSIBLE. IF IT APPEARS BILL WILL ACTUALLY BE PASSED DURING THIS SESSION, IT WILL BE PARTICULARLY IMPORTANT TO ENSURE THAT WASHINGTON IS KEPT FULLY

INFORMED ON A TIMELY BASIS. DECISION AS TO ULTIMATE ACCEPTABILITY WILL REQUIRE DETAILED REVIEW OF FINAL TEXT BY USG.

DOTA SENDS.
VANCE

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Message Attributes

Automatic Decaptioning: X
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Sent Date: 09-Feb-1977 12:00:00 am
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Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: JBERG:KKC
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Status: NATIVE
Subject: MARINE SPACE JURISDICTION BILL DOTA NO. 093-TT
TAGS: PLOS, TQ
To: HICOMTERPACIS
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